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07 DEC 2006

OBLON, SPIVAK, MCCLELLAND, MAIER NEUSTADT P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

In re Application of
PÖPEL (Deceased) et al.
Application No.: 10/574,973
PCT No.: PCT/EP04/11258
Int. Filing Date: 08 October 2004
Priority Date: 15 October 2003
Attorney Docket no.: 288240USOPCT
For: CATALYTIC BULK MATERIAL HAVING
CATALYTICALLY INACTIVE SHAPED BODIES
THAT ARE ROUNDED OFF ON THE EXTERNAL
FRICTION SURFACES

DECISION ON
REQUEST
UNDER 37 CFR 1.42

This is a decision on applicant's submission under 37 CFR 1.42 filed in the United States Patent and Trademark Office (USPTO) on 07 April 2006.

The declaration identified all inventors and was executed by five of six inventors and by Karin Pöpel, identifying her as heir for deceased inventor Wolfgang Jürgen Pöpel. The declaration provides the citizenship, residency and mailing address for all inventors including the deceased inventor as well as the heir's citizenship, residency and mailing address.

However, the declaration identified only one heir. It is unclear whether Ms. Popel is the sole heir. If she is not the sole heir, the declaration must be executed by all of the heirs of the deceased inventor. It is also unclear whether a legal representative of the deceased's estate has been appointed or is statutorily required to be appointed. (Applicant is required to promptly notify the Office of such and to submit a declaration properly executed by the legal representative of the deceased inventor in response to this decision.)

In situations where it is not clear that the declaration includes the signatures of all the heirs (e.g., indicates heir/heirs as opposed to sole heir/all heirs), the Office requires a statement by either those signing or the attorney which sets forth that they are in fact all the heirs of the deceased inventor. The statement must also set forth that no legal representative of the deceased's estate has been appointed or is statutorily required to be appointed.

Accordingly, it is inappropriate, at this time, to accord the application status under 37 CFR 1.42.

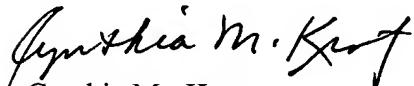
CONCLUSION

For the above reasons, the request for status under 37 CFR 1.42 is **DISMISSED WITHOUT PREJUDICE.**

Applicant is required to submit a statement by either those signing or the attorney which sets forth that they are in fact all the heirs of the deceased inventor. Such statement must also set forth that no legal representative of the deceased's estate has been appointed or is statutorily required to be appointed.

Applicant must respond within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time are available under 37 CFR 1.136.

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



Cynthia M. Kratz
Attorney Advisor
PCT Legal Office

Telephone: 571-272-3286
Facsimile: 571-273-0459